

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HEBEI MIGHTY SYNTHETIC RUBBER AND PLASTIC
CO. LTD.,

Petitioner,

-v-

GLOBAL SYN-TURF, INC.,

Respondent.

21 cv 10674 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On December 14, 2021, plaintiff filed a petition to confirm an arbitral award. Dkt. 1. On April 25, 2022, plaintiff filed proof of service on defendant, indicating that defendant had been served on April 18, 2022. Dkt. 9. Defendant has not submitted an answer or otherwise appeared in this action, and, at the direction of this Court, plaintiff moved for default judgment. Dkt. 14.

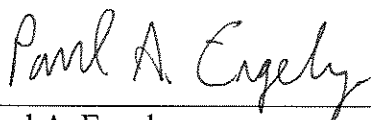
“[G]enerally a district court should treat an unanswered . . . petition to confirm/vacate [an arbitration award] as an unopposed motion for summary judgment.” *D.H. Blair & Co. v. Gottdiener*, 462 F.3d 95, 110 (2d Cir. 2006). The Court therefore will treat plaintiff’s motion as an unopposed motion for summary judgment. *See id.* at 109–10; *see also Primex Plastics Corp. v. TriEnda LLC*, No. 13 Civ. 321 (PAE), 2013 WL 1335633, at *2 (S.D.N.Y. Apr. 3, 2013). On an unopposed motion for confirmation of an arbitration award, “a court ‘may not grant the motion without first examining the moving party’s submission to determine if it has met its burden of demonstrating that no material issue of fact remains for trial. If the evidence submitted in support of the summary judgment motion does not meet the movant’s burden of production, then summary judgment must be denied *even if no opposing evidentiary matter is*

presented.” D.H. Blair & Co., 462 F.3d at 110 (emphasis in original) (quoting Vt. Teddy Bear Co. v. 1-800 Beargram Co., 373 F.3d 241, 244 (2d Cir. 2004)).

The Court recognizes that, in support of its motion for default judgment, plaintiff has submitted, in addition to a memorandum of law, the contract between the parties, the final arbitral award, and other materials relating to the award. Because the Court will treat plaintiff's motion as one for summary judgment, the Court hereby grants plaintiff the opportunity to submit any additional supporting materials by August 16, 2022. Defendant's opposition, if any, is due August 30, 2022. Plaintiffs' reply, if any, is due September 6, 2022.

Plaintiffs shall serve this Order upon defendants and file an affidavit reflecting such service on ECF by August 15, 2022.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: August 10, 2022
New York, New York